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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,495	09/22/1999	KLAUS MARSCHOLL	08204.035	4748

7590 12/19/2003

LINIAK BERENATO LONGACRE & WHITE  
6550 ROCK SPRING DRIVE  
SUITE 240  
BETHESDA, MD 20817

EXAMINER
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STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/401,495

Applicant(s)

MARSCHOLL, KLAUS

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003 and 21 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 26 November 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 8, 2000 and November 26, 2001 have been approved.

***Claim Rejections - 35 USC § 112***

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “a window-lift guide” on lines 8-9 of claim 1 render the claims indefinite because it is unclear whether or not the applicant is referring to one of the first and second guides above. Recitations such as “said rigid coupling” on line 10 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as “one of the cable segments” on line 10 of claim 5 render the claims indefinite because it is unclear if the applicant is referring to the a respective one of the cable segments set forth above or is attempting to set forth another element of the invention in addition to the one set forth above. Recitations such as “first and second guides” on line 2 of claim 6 render the claims indefinite because it is unclear if the first and second guides include the at least one guide set forth above for a total of two guides or if the first and second guides are in addition to the at least one guide for a total of three guides. Recitations such as “a window-lift guide” on lines 8-9 of claim 13 render the claims indefinite because it is unclear how two slide components can fit into one guide. Recitations such as “the separation” on line 1 of claim 14 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Since the cable segments cross one another and are parallel to one another at different positions of the mounting structure, it is unclear at which position the separation is determined.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3634

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. in view of Tenbrink et al. Kimura et al. discloses a motor vehicle window lift for lifting a window pane B1 from a lower position to an upper position comprising a mounting structure B, a drive system B3 for actuating a lift operating condition, a cable system B15 having one cable segment, several reversing rollers B13, B14 for the cable system and two actuators B48 and B50 for the window pane, each of which is affixed to the cable segment, the two actuators being displaceably guided and slidably fixed respectively directly to first and second guides B8 and B10 on the mounting structure, wherein each of the two actuators is provided with a slide component (not numbered, but seen in figure 8 as the generally spherical portion) guided in a window lift guide, the slide component for each of the two actuators being rigidly connected to each other by the rigid coupling B11 such that the slide components are non-movably and non-pivotally fixed to the rigid coupling. The rigid coupling B11 is a cross bar which is detachably attached to the actuators and forms the rigid coupling. The mounting structure B has a width is less than approximately 2/3 the width of the window pane B1. Since the first actuator B48 is guided by the first guide B8 and the second actuator B50 is guided by the second guide B10, the second actuator B50 is not guided by the first guide B8 (claim 5). Kimura et al. is silent concerning a two cable segment cable system.

However, Tenbrink et al. discloses a motor vehicle window lift comprising a cable system having two cable segments (not numbered, but seen in figure 1) running

Art Unit: 3634

substantially parallel to each other when a window pane is lifted from a lower position to an upper position, two actuators 32 each affixed to a respective one of the cable segments.

It would have been obvious to one of ordinary skill in the art to provide Kimura et al. with a cable system, as taught by Tenbrink et al., to provide a more reliable operation of the window lift.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. in view of Tenbrink et al. as applied to claims 1-8 and 10-14 above, and further in view of Marscholl et al. Marscholl et al. discloses an adjusting element 11 for connecting the ends of a cable system 3 to a coupling 1.

It would have been obvious to one of ordinary skill in the art to provide Kimura et al., as modified above, with adjusting elements, as taught by Marscholl et al., to adjust the cable tension.

### ***Response to Arguments***

Applicant's arguments filed January 21, 2003 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended the claims to include the further limitation

Art Unit: 3634

of a slide component guided in a window lift guide. For example, see lines 8-9 of claim 1. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Art Unit: 3634

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, reading "Gregory J. Strimbu". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
December 17, 2003